

GORDON SILVER

MICHAEL N. FEDER

Nevada Bar No. 7332

Email: mfeder@gordonsilver.com

JUSTIN J. BUSTOS

Nevada Bar No. 10320

Email: jbustos@gordonsilver.com

ANJALI D. WEBSTER

Nevada Bar No. 12515

Email: awebster@gordonsilver.com

100 W. Liberty Street, Suite 940

Reno, Nevada 89501

Tel: (775) 343-7500

Fax: (775) 786-0103

ULMER & BERNE LLP

FRANCES FLORIANO GOINS (*Admitted Pro Hac Vice*)

Email: fgoins@ulmer.com

1660 West 2nd Street, Suite 1100

Cleveland, OH 44113

Tel: (216) 583-7202

Fax: (216) 583-7203

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CHINA ENERGY CORPORATION, a Nevada
corporation,

Plaintiff,

vs.

ALAN T. HILL, ELENA SAMMONS,
MICHAEL SAMMONS, THOMAS S.
VREDEVOOGD, TRUSTEE OF THE
KIMBERLY J. VREDEVOOGD TRUST UA
1007/2008, JUN HE, and RANDY DOCK
FLOYD,

Defendants.

CASE NO. 3:13-cv-00562-MMD-VPC

JOINT CASE MANAGEMENT REPORT

Plaintiff, China Energy Corporation ("CEC"), by and through its counsel of record,
Gordon Silver and Ulmer & Berne LLP, Defendants, in proper person and through their
respective counsel, and Third-Party Defendants¹, Cede & Co., the Depository Trust Company,

¹Defendants Randy Dock Floyd and Thomas S. Vredevoogd, Trustee of the Kimberly J. Vredevoogd Trust UA 1007/1008 did not respond to the circulation of this Joint Case Management Report.

1 and COR Clearing, by and through their respective counsel, hereby file this Joint Case
2 Management Report pursuant to the Court's January 2, 2014, and February 10, 2014, Minute
3 Orders (Dkt. Nos. 103 and 138).

4 During the last Case Management Conference, CEC inquired as to whether the Court
5 would consider a motion to bifurcate CEC's claims for relief. (Feb., 4, 2014, Minutes of
6 Proceedings (Dkt. No. 134). Pursuant to the Court's suggestion, CEC has discussed the issue
7 with all parties to this case. Ultimately, CEC and Defendants agreed that discovery should be
8 conducted in two phases. *See* (Mot. to Modify the Discovery Plan and Scheduling Order (Dkt.
9 No. 168). Under this proposal, the first phase of discovery would require all discovery, with the
10 exception of expert discovery, to proceed in accordance with the current discovery schedule. *Id.*
11 The second phase would consist of expert disclosures and expert discovery and would begin
12 upon the Court's determination that any Defendant is entitled to an appraisal of his or her shares.
13 *Id.*

14 At the time CEC proposed to modify the discovery schedule, the Third Party Defendants
15 had just entered the case and needed additional time to consider the proposal. *Id.* As such, on
16 February 28, 2014, CEC filed a Motion to Modify the Discovery Plan and Scheduling Order
17 (Dkt. No. 168) in order to allow the Court to consider the issue during the March 21, 2014, Case
18 Management Conference. No party has opposed the motion; however, the due date to oppose the
19 motion is not until March 17, 2014.

20 In addition to CEC's Motion (Dkt. No. 168), the Court previously ordered on March 10,
21 2014 (Dkt. No. 178) that Third-Party Defendants The Depository Trust Company and Cede &
22 Co., and Third-Party Plaintiffs Elena Sammons and Michael Sammons, may discuss the pleading
23 issues set forth in their March 7, 2014 Stipulation (Dkt. No. 175) during the March 21, 2014 case
24 management conference.

25 In light of the pending Motion (Dkt. No. 168) and the March 10, 2014, Order (Dkt. No.
26 178), the parties respectfully request that the upcoming March 21, 2014, Case Management
27 Conference be held as scheduled to address the discovery schedule in this case.
28

1
2 DATED this 14th day of March, 2014.

3 GORDON SILVER

4
5 By: /s/ Justin J. Bustos
6 Michael N. Feder
7 Justin J. Bustos
8 Anjali D. Webster
9 100 West Liberty Street
10 Suite 940
11 Reno, Nevada 89501

12 *Attorneys for China Energy Corporation*

DATED this ____ day of March, 2014.

HOLLAND & HART

By: _____
Richard L. Elmore
5441 Kietzke Lane, 2nd Floor
Reno, NV 89511

*Attorney for Thomas S. Vredevoogd, Trustee
the Kimberly J. Vredevoogd Trust UA
1007/2008*

13 DATED this 14th day of March, 2014.

14 By: /s/ Elena Sammons
15 Elena Sammons
16 15706 Seekers St
17 San Antonio, TX 78255

18 *Defendant in Proper Person*

DATED this 14th day of March, 2014.

By: /s/ Michael Sammons
Michael Sammons
15706 Seekers St
San Antonio, TX 78255

Defendant in Proper Person

19 DATED this 14th day of March, 2014.

LAXALT & NOMURA

21 By: /s/ Daniel T. Hayward
22 Daniel T. Hayward, Esq.

23 9600 Gateway Drive
24 Reno, Nevada 89521

25 *Attorneys for The Depository Trust*
26 *Company and Cede & Co.*

DATED this 14th day of March, 2014.

RUMBERGER KIRK & CALDWELL

By: /s/ Peter J. Tepley
Peter J. Tepley, *admitted pro hac vice*
Meredith Lees, *admitted pro hac vice*
Rebecca Beers, *admitted pro hac vice*
2204 Lakeshore Drive, Suite 125
Birmingham, AL 35209

Attorneys for COR Clearing, LLC

27 ///

1 DATED this 14th day of March, 2014

DATED this ____ day of March, 2014

2
3 By: /s/ Jun He

Jun He

4 231 Split Rock Rd

5 The Woodlands, TX 77381

6 Defendant in Proper Person

By: _____

Randy Dock Floyd

4000 Goff Road

Aynor, SC 29551

Defendant in Proper Person

7
8 DATED this 14th day of March, 2014

9 By: /s/ Edmund J. Gorman, Jr.

10 Edmund J. Gorman Jr.

11 Attorney at Law, Ltd.

12 Bar No. 11581

335 W. First Street

Reno, Nevada 89503

13
14 ///

15
16 ///

17
18 ///

19
20 ///

21
22 ///

23
24 ///

25
26 ///

27
28 ///

CERTIFICATE OF SERVICE

The undersigned, an employee of Gordon Silver, hereby certifies that she served a copy of **JOINT CASE MANAGEMENT REPORT** via CM/ECF on March 14th 2014 to the following individuals:

Richard L. Elmore, Esq.
Holland & Hart
5441 Kietzke Lane, 2nd Floor
Reno, NV 89511
*Attorney for Thomas S. Vredevoogd,
Trustee of the Kimberly J. Vredevoogd
Trust UA 1007/2008*

Michael Sammons
15706 Seekers St
San Antonio, TX 78255
Defendant in Proper Person

Edmund J. Gorman Jr.
Attorney at Law, Ltd.
335 W. First Street
Reno, Nevada 89503

Daniel T. Hayward, Esq.
LAXALT & NOMURA
9600 Gateway Drive
Reno, Nevada 89521

Louis M. Bubala III
Bret F. Meich
ARMSTRONG TEASDALE
50 W. Liberty Street, Suite 950
Reno, NV 89501

Peter J. Tepley
Meredith Lees
Rebecca Beers
RUMBERGER KIRK & CALDWELL
2204 Lakeshore Drive, Suite 125
Birmingham, AL 35209

And by U.S. Mail, postage prepaid, to the following individuals:

Elena Sammons
15706 Seekers St
San Antonio, TX 78255
Defendant in Proper Person

Randy Dock Floyd
4000 Goff Road
Aynor, SC 29551
Defendant in Proper Person

Jun He
231 Split Rock Rd
The Woodlands, TX 77381
Defendant in Proper Person


An employee of GORDON SILVER